

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---------------------------------|
| COMMONWEALTH OF MASSACHUSETTS, | * | |
| | * | |
| Plaintiff, | * | |
| | * | |
| v. | * | Civil Action No. 1:09-11156-JLT |
| | * | |
| UNITED STATES DEPARTMENT OF HEALTH | * | |
| AND HUMAN SERVICES; KATHLEEN | * | |
| SEBELIUS, in her official capacity as the Secretary | * | |
| of the United States Department of Health and | * | |
| Human Services; UNITED STATES | * | |
| DEPARTMENT OF VETERANS AFFAIRS; | * | |
| ERIC K. SHINSEKI, in his official capacity as the | * | |
| Secretary of the United States Department of | * | |
| Veterans Affairs; and the UNITED STATES OF | * | |
| AMERICA, | * | |
| | * | |
| Defendants. | * | |

ORDER

July 8, 2010

TAURO, J.

For the reasons set forth in the accompanying Memorandum, this court hereby orders that
Defendants' Motion to Dismiss [#16] is DENIED and Plaintiff's Motion for Summary Judgment
[#26] is ALLOWED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge